

ENTERED

February 04, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHEL THOMAS,

Plaintiff,

VS.

GRUNDFOS, CBS, *et al.*,

Defendants,

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CIVIL ACTION NO. H-18-557

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND GRANTING
THE DEFENDANTS' MOTION TO DISMISS**

This court has reviewed the Memorandum and Recommendation of Judge Christina Bryan signed on September 20, 2019, and made a de novo determination. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that the defendants' motion to dismiss, (Docket Entry No. 60), was properly granted without leave to amend because further amendment would be futile. Judge Bryan's recommendation to dismiss Thomas's retaliation and negligent supervision claims against defendants Baek and Friis is consistent with and supported by the applicable legal standards and with the allegations in the complaint. The court overrules Thomas's objections to the Memorandum and Recommendation. The court finds that the objections are primarily based on a mistaken reading of the RESTATEMENT (SECOND) OF AGENCY. The defendants' motion to dismiss, (Docket Entry No. 60), is granted, with prejudice, because amendment would be futile.

SIGNED on February 4, 2020, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge